



Attorney Docket No. I0277/7009(HCL)

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHODS AND PRODUCTS FOR MANIPULATING UNCOUPLING PROTEIN
EXPRESSION**

the specification of which is attached hereto unless the following is checked:

☒ [X] was filed on June 22, 2000, as Application No. 09/599,760, bearing attorney docket No. I0277/7009(HCL), and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or section 365(a) of any PCT International application designating at least one country other than the United States listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign PCT International Application(s) and any priority claims under 35 U.S.C. §§119 and 365(a),(b):

			Priority Claimed	
(Number)	(Country-if PCT, so indicate)	(DD/MM/YY Filed)	<input type="checkbox"/> YES	<input type="checkbox"/> NO
_____	_____	_____	<input type="checkbox"/> YES	<input type="checkbox"/> NO
_____	_____	_____	<input type="checkbox"/> YES	<input type="checkbox"/> NO
_____	_____	_____	<input type="checkbox"/> YES	<input type="checkbox"/> NO

Docket No.: I0277/7009(HCL)

Page 2

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

<u>60/140,574</u>	<u>June 23, 1999</u>
(Application Number)	(filing date)
(Application Number)	(filing date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<u>(Application No.)</u>	<u>(filing date)</u>	<u>(status-patented, pending, abandoned)</u>
<u>(Application No.)</u>	<u>(filing date)</u>	<u>(status-patented, pending, abandoned)</u>

PCT International Applications designating the United States:

<u>(PCT Appl. No.)</u>	<u>(U.S. Ser. No.)</u>	<u>(PCT filing date)</u>	<u>(status-patented, pending, abandoned)</u>
I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:			
Robert M. Abrahamsen	40,886	Jason M. Honeyman	31,624
John N. Anastasi	37,765	Robert E. Hunt	39,231
Gary S. Engelson	35,128	Ronald J. Kransdorf	20,004
Neil P. Ferraro	39,188	Peter C. Lando	34,634
Thomas G. Field	45,596	Helen C. Lockhart	39,248
Stephen R. Finch	42,534	Matthew B. Lowrie	38,228
Edward R. Gates	31,616	William R. McClellan	29,409
Richard F. Giunta	36,149	Daniel P. McLoughlin	46,066
Peter J. Gordon	35,164	James H. Morris	34,681
William G. Gosz	27,787	M. Lawrence Oliverio	30,915
Lawrence M. Green	29,384	Timothy J. Oyer	36,628
George L. Greenfield	17,756	Edward F. Perlman	28,105
James M. Hanifin, Jr.	39,213	Michael J. Pomlanek	46,190
Therese A. Hendricks	30,389	Elizabeth R. Plumer	36,637
Steven J. Henry	27,900	Randy J. Pritzker	35,986
		Robert E. Rigby, Jr.	36,904
		Edward J. Russavage	43,069
		Stanley Sacks	19,900
		Christopher S. Schultz	37,929
		Alan B. Sherr	42,147
		Robert A. Skrivaneck, Jr.	41,316
		Paul D. Sorkin	39,039
		Alan W. Steele	45,128
		Mark Steinberg	40,829
		Joseph Teja, Jr.	45,157
		John R. Van Amsterdam	40,212
		Michael G. Verga	39,410
		Robert H. Walat	46,324
		Lisa E. Winsor	44,405
		David Wolf	17,528
		Douglas R. Wolf	36,971

Docket No.: I0277/7009(HCL)

Page 3

Address all telephone calls to Helen C. Lockhart, Esq. at telephone no. (617) 720-3500. Address all correspondence to:

Helen C. Lockhart, Esq.
c/o Wolf, Greenfield & Sacks, P.C.,
Federal Reserve Plaza
600 Atlantic Avenue
Boston, MA 02210-2211

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Martha K. Newell
Inventor's signature

12/20/00
Date

Full name of sole inventor:

Martha K. Newell

Citizenship:

United States of America

Residence:

520 North Franklin Street
Colorado Springs, CO 80903

Post Office Address:

520 North Franklin Street
Colorado Springs, CO 80903

State of Colorado

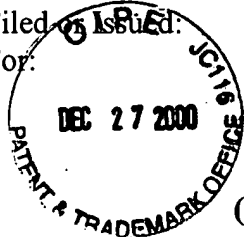
County of El Paso

Subscribed and sworn to before me

this 20th day of December 2000

Jaurin M. Williams
Notary Public

Applicant or Patentee: Martha K. Newell
Serial or Patent No: 09/599,760
Filed: June 22, 2000
For: METHODS AND PRODUCTS FOR MANIPULATING
UNCOUPLING PROTEIN EXPRESSION



**DECLARATION CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(e) and 1.27(d) – NONPROFIT ORGANIZATION)**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: The University of Vermont and State Agricultural College
ADDRESS OF ORGANIZATION: Burlington, Vermont 05405

TYPE OF ORGANIZATION:

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3))
☐ NONPROFIT SCIENTIFIC OR EDUCATION UNDER STATUTE OR STATE OF THE UNITED STATES OF AMERICA
(NAME OF STATE)
(CITATION OF STATUTE)
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c) (3) IF LOCATED IN THE UNITED STATES OF AMERICA
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATION UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE)
(CITATION OF STATUTE)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41 (a) and (b) of Title 35, United States Code with regard to the invention entitled METHODS AND PRODUCTS FOR MANIPULATING UNCOUPLING PROTEIN EXPRESSION by inventor(s), Martha K. Newell, described in

- ☐ the specification filed herewith
☒ application serial no. 09/599,760, filed June 22, 2000.
☐ patent no. _____, issued _____.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other

than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

☐ no such person, concern, or organization
☒ persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME: Immune Response Corporation
ADDRESS: 5935 Darwin Court, Carlsbad, California 92008

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Regina H. White
TITLE IN ORGANIZATION Director of Office Sponsored Programs
ADDRESS OF PERSON SIGNING Burlington, Vermont 05405



Signature



Date



Attorney's Docket No. I0277/7009(HCL)

Applicant or Patentee: Martha K. Newell
Serial or Patent No: 09/599,760
Filed or Issued: June 22, 2000
For: METHODS AND PRODUCTS FOR MANIPULATING
UNCOUPLING PROTEIN EXPRESSION

**DECLARATION CLAIMING SMALL ENTITY STATUS
(SMALL BUSINESS CONCERN)**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Immune Response Corporation
ADDRESS OF CONCERN: 5935 Darwin Court, Carlsbad, CA 92008

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled METHODS AND PRODUCTS FOR MANIPULATING UNCOUPLING PROTEIN EXPRESSION by inventor(s), Martha K. Newell, described in

- ☐ the specification filed herewith
☒ application serial no. 09/599,760, filed June 22, 2000.
☐ patent no. _____, issued _____.

If the rights held by the small business concern are not exclusive, each individual concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other

than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

- ☐ no such person, concern, or organization
☒ persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME: The University of Vermont and State Agricultural College
ADDRESS: Burlington, Vermont 05405

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

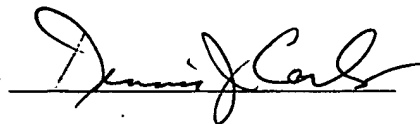
NAME OF PERSON SIGNING:

TITLE OF PERSON IF OTHER THAN OWNER:

ADDRESS OF PERSON SIGNING:

5935 Darwin Court
Carlsbad, CA 92008

SIGNATURE



DATE

8/13/00